

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION**

In re:)
)
KENNETH JACKSON,) CASE NO.: 11-10181 C-7G
)
Debtor.)

**ORDER AVOIDING JUDICIAL LIEN OF FIA CARD SERVICES,
F/K/A MBNA AMERICA BANK, N.A.**

THIS MATTER comes before the Court on a motion to avoid a judicial lien pursuant to 11 U.S.C. § 522(f) and Federal Rules of Bankruptcy Procedure 4003 (d) and 9014. Having considered the motion and the other matters of record in this case, the Court finds and concludes:

- (1) All parties in interest have received due notice of the motion and no party has timely objected to the relief requested in the motion.
- (2) The Debtor exempted property described as 2210 Cypress Street, Greensboro, Guilford County, North Carolina with a value of \$77,000.00, as of the petition date. Debtor's one-seventh undivided interest in the property is \$11,000.00.
- (3) Pursuant to N.C.G.S. § 1C-1601(a)(1), the Debtor claimed an exemption in the abovementioned property of \$35,000.00.
- (4) The abovementioned property is not subject to other liens.
- (5) FIA CARD SERVICES, F/K/A MBNA AMERICA BANK, N.A. holds a judicial lien against the abovementioned property pursuant to a judgment in Guilford County 10 CvD 10772, dated December 13, 2010 and recorded in the office of the Clerk of Court of Guilford County Abstract JMT 001 in the amount of \$12,241.92, exclusive of attorney's fees, costs and interest.
- (6) Because the total aggregate of the liens and the value of the exemption is \$47,241.92, which exceeds the value of Debtor's interest in the property by \$36,241.92, and because that sum is greater than or equal to the amount of the \$12,241.92 judicial lien sought to be avoided, the judicial lien impairs an exemptions pursuant to 11 U.S.C. § 522 (f) and may be completely avoided pursuant to 11 U.S.C. § 522 (f).

THEREFORE, IT IS

ORDERED that the judicial lien held by FIA CARD SERVICES, F/K/A MBNA AMERICA BANK, N.A. in Guilford County #10 CvD 10772 and recorded the office of the Clerk of Court of Guilford County Abstract JMT 001 be and hereby is AVOIDED AND CANCELLED.

Parties To Be Served

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